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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 3-08-70172 JCS
	)	
Plaintiff,	)	
	)	
v.	)	STIPULATION AND [PROPOSED]
	)	ORDER EXCLUDING TIME FROM
FRANCISCO ROMERO VIAN,	)	MARCH 28, 2008 THROUGH APRIL 24,
	)	2008
Defendant.	)	
	)	

On March 28, 2008, the parties in this case appeared before the Court for an initial appearance on the criminal complaint. The defendant was released on a \$50,000, unsecured personal recognizance bond. At that time, and the parties requested and the Court agreed to set the preliminary hearing for April 24, 2008. The parties further stipulated that pursuant to Federal Rule of Criminal Procedure (FRCP) 5.1(d), the time limits set forth in FRCP 5.1(c) be excluded from March 28, 2008 through April 24, 2008. The parties agree that – taking into account the public interest in prompt disposition of criminal cases – good cause exists for this extension. Defendant also agrees to exclude for this period of time any time limits applicable under Title 18, United States Code, Section 3161. The parties represented that granting the

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continuanace was the reasonable time necessary for continuity of defense counsel and effective preparation of defense counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by granting such a continuance outweighed the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A).

SO STIPULATED:

JOSEPH P. RUSSONIELLO  
United States Attorney

DATED: 4/22/2008 \_\_\_\_\_

/s/ Derek Owens

DEREK R. OWENS  
Assistant United States Attorney

DATED: 4/23/2008 \_\_\_\_\_

/s/ Steven Teich

STEVEN EMERY TEICH  
Attorney for Mr. Vian

For the reasons stated above, the Court finds that an exclusion of time from March 28, 2008 through April 24, 2008 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. §3161 (h)(8)(A); FRCP 5.1(d). The failure to grant the requested continuance would deny the defendant of continuity of counsel and would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

SO ORDERED.

DATED: \_\_\_\_\_

THE HONORABLE JOSEPH C. SPERO  
United States Magistrate Judge